

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESale PRICE
LITIGATION

MDL No. 1456

CIVIL ACTION: 01-CV-12257-PBS

Judge Patti B. Saris

THIS DOCUMENT RELATES TO

*County of Suffolk v. Abbott Laboratories,
Inc., et al.* E.D.N.Y. Case No. CV-03-0229

**MEMORANDUM OF BRISTOL-MYERS SQUIBB COMPANY
IN RESPONSE TO THE MOTION OF COUNTY OF SUFFOLK
ADDRESSING THE ROLE OF LIAISON COUNSEL FOR ALL PLAINTIFFS**

Defendant Bristol-Myers Squibb Company (“BMS”) hereby responds to the motion of the County of Suffolk regarding coordinated discovery among the various actions in this multi-district litigation and, in particular, regarding the duties of liaison counsel with respect to documents produced by BMS.

BMS’ position is simple. It wishes to produce documents only once. Thus far, it has not charged liaison counsel for plaintiffs for the costs of obtaining, copying and producing documents – in the hope that liaison counsel would be willing to share the documents (subject to the protective order) with other plaintiffs’ counsel. If, however, this Court wishes BMS to make separate document productions to each set of plaintiffs’ counsel in this matter, including but not limited to Suffolk County’s counsel, BMS respectfully requests that it order liaison counsel and each other plaintiffs’ counsel to reimburse BMS for its costs.

Respectfully submitted,

BRISTOL-MEYERS SQUIBB COMPANY
by its attorneys

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CERTIFICATE OF SERVICE

I, James S. Zucker, certify that a true and correct copy of the foregoing document was served upon all counsel of record by electronic service pursuant to Paragraph 11 of Case Management Order No. 2 on May 28, 2004, by sending a copy to Verilaw Technologies for posting and notification to all parties.

/s/ James S. Zucker

James S. Zucker